42. The computer readable medium described in Claim 38 further comprising: indicating with said link a title of an audio clip and/or a video clip included in encoded media data and available on at least one of the media servers.

43. (Amended) The computer readable medium described in Claim 38 further comprising transmitting an address related to a location of a media receiving system that receives the encoded media data to the selected media server.

44. (Amended) The computer readable medium as described in Claim 38 further comprising indicating the location related to where media data is stored on one of the media servers in response to a signal from an input device.

45. The computer readable medium described in Claim 38 further comprising regulating the encoded media data being received from the selected media server using TCP/IP protocol.

46. (New) The media receiver as recited in claim 1 wherein the media data is encoded using compression.

47. (New) The client device as recited in claim 29 further comprising an audio driver operative to play the data file while the data file is being received from the at least one server.

48. (New) The method as recited in claim 38 wherein the encoded media data is encoded using audio and/or video compression.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

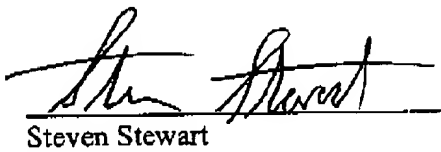
The specific changes to the amended claims are shown on a separate set of pages hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages the insertions are underlined while the deletions are stricken through.

Applicant has submitted a supplemental Information disclosure form, and review of the reference on the form is hereby requested.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action and in the telephone interviews on 11/19/02 and 12/6/02. Any claim amendments are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions that may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

Dated: 12/6/2002

By: 

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The changes made to the claim in the current amendment are shown below. Insertions appear as underlined text, for example, insertions, while deletions appear as strikethrough text, for example, ~~deletions~~.

Please cancel Claims 9 - 10, and 23 - 28 without disclaimer or prejudice.

Please amend Claims 1, 16 - 19, 29 – 33 and 35 - 44 as follows:

1. (Twice Amended) A media receiver comprising:

a media data buffer for receiving encoded media data;

a processor for decoding said encoded media data; and

a computer-readable storage which contains server selection information for selecting a link related to a location in a memory device where encoded media data is stored on one of a plurality of media servers, said processor operative to select one of said media servers in which to establish a data communication connection based upon said server selection information and establish a data communication connection with said selected media server via a communications network, said media data buffer operative to receive media data from said location in the memory device on said selected media server, and said processor operative to decode said received encoded media data during receipt thereof.

4. (Amended) The media receiver described in Claim 1 wherein said server selection information includes data relating to ~~the quality~~a compression of the media data from ~~each of said~~the media servers.

9. (Cancelled)

10. (Cancelled)

16. (Twice Amended) A method of dynamically allocating a server/~~receiver~~ client device pair, said method comprising the steps of:

storing in a server media data at different compression rates;

transferring the media data at a first compression rate over a communications link between ~~a receiver~~the server and ~~one of a plurality of~~the ~~servers~~client device;

~~providing~~ receiving information~~data~~ from the client device indicating ~~a quality~~ to change the compression rate of the media data transferred over the communication links; and

~~selecting~~ transferring the media data with a second compression rate from ~~one of said~~ the servers to ~~communicate with said receiver~~ the client device ~~based upon determining a communication link passing media data with a highest quality~~in response to receiving said information.

17. (Twice Amended) The method as described in Claim 16, wherein said server communicates audio data and said ~~receiver~~ client device comprises a standard PC.

18. (Twice Amended) A media communication system comprising:

a proximate server capable of communicating with a media server and with a ~~Pc~~client device via a communications network, said media server including a computer-readable storage containing a set of media data; and

said proximate server operative to receive a data packet including a request message transmitted from said ~~PC~~ client device ~~to said proximate server~~via the communications network, said request message indicating a request for data included in said set of media data, said proximate server operative to respond~~ing~~ to said request message to issue a request to said media server for data in said set of media data, said proximate server operative to ~~receiving~~ receive a portion of said data in said set of media data; and ~~said proximate server transmitting~~transmit said portion of said data to said ~~Pc~~client device.

19. (Amended) The media communication system as described in Claim 18, wherein said proximate server sends said portion of said data to said ~~PC~~ client device before said proximate server receives all of said data in said set of media data.

23. (Cancelled)

24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. (Amended) A ~~system~~ client device for requesting and receiving a data file from at least one server via~~over~~ a computer network, the ~~system~~ client device comprising:

~~first and second servers connected to a computer network;~~

a ~~subscriber Pe~~receiver connected to said computer network and operative to receive the data file having a compression scheme;

server selection ~~apparatus~~ module for selecting one of said ~~first or second~~ servers, said server selection apparatus comprising:

quality ~~data related to a quality of~~monitoring module operative to monitor the error rate or bandwidth of the communication links between said ~~subscriber Pe~~client device and ~~each of said first and second~~the at least one servers~~;~~, and

selection ~~instructions~~ module operative ~~for selecting a server based on said quality data~~to transmit an indication to the at least one server to change the compression of the data file as a result of monitoring the errors or bandwidth of the communication link; and

media data ~~transmission apparatus~~ receiver ~~for transmitting~~operative to receive the data file from ~~said~~ the at least one ~~first~~ server ~~to said subscriber Pe, said media data transmission apparatus comprising a net transport and flow control signals~~with a different compression scheme.

30. (Amended) A method of receiving encoded media data file comprising:

selecting with a client computer a link ~~corresponding~~ related to a location or address where the encoded media data file is stored in a memory device on one of a plurality of media servers;

establishing, ~~in response to~~as a result of the selection, a data communication connection over a communications network with the ~~selected~~ one media servers;

receiving over the communications network the encoded media data file from said location or address on ~~said selected~~the one media server; and

decoding at least a portion of the received encoded media data file during the receiving of the encoded media data file.

31. (Amended) The method described in Claim 30 wherein said encoded media data file includes ~~streamed video~~compressed audio data in a packet format, and wherein the method further comprises playing at least a portion of the received encoded media data file by the client computer when receiving the media data file.

32. (Amended) The method described in Claim 30 wherein said encoded media data file includes streamed audio data in packet format.

33. (Amended) The method described in Claim 30 wherein said server selection information includes data relating to the ~~quality~~ bandwidth or a compression rate needed to transmit~~of~~ media data from ~~each~~ at least one of said media servers.

35. (Amended) The method described in Claim 30 further comprising:

receiving the encoded media data file with a receiver,

transmitting an address related to a location of said receiver to the selected media server.

36. (Amended) The method as described in Claim 30 further comprising indicating the location where media data file is stored on one of the media servers using an input device.

37. (Amended) The method described in Claim 31 further comprising regulating the media data file being received from the selected media server using TCP/IP protocol.

38. (Amended) A computer readable medium having instructions in a single media player application when executed by a processor comprise:

indicating a link selection ~~corresponding~~ related to a location where encoded media data is stored in a memory on one of a plurality of media servers;

establishing, in response to the link selection, a data communication connection via a communications link with the ~~selected~~ one media server;

receiving the encoded media data from said location on said ~~selected~~ one media server; and

decoding the received encoded media data.

39. (Amended) The computer readable medium described in Claim 38 wherein said media data includes streamed video data.

40. (Amended) The computer readable medium described in Claim 38 wherein said media data includes audio data, and wherein the instructions in the media player application when executed by a processor further comprise decoding and playing at least a portion of the audio data in the encoded media data during the receipt thereof.

41. (Amended) The computer readable medium described in Claim 38 wherein said encoded media data has a compression rate, and wherein server selection information includes data relating to the [~~quality~~] compression rate of the media data from each of said media servers.

43. (Amended) The computer readable medium described in Claim 38 further comprising: transmitting an address ~~representing~~ related to a location of a media receiving system that receives the encoded media data to the selected media server.

44. (Amended) The computer readable medium as described in Claim 38 further comprising indicating the location related to where media data is stored on one of the media servers in response to a signal from an input device.

Please add Claims 46 - 48 as follows:

46. (New) The media receiver as recited in claim 1 wherein the media data is encoded using compression.

47. (New) The client device as recited in claim 29 further comprising an audio driver operative to play the data file while the data file is being received from the at least one server.

48. (New) The method as recited in claim 38 wherein the encoded media data is encoded using audio and/or video compression.